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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 BENJAMIN HOLLY,

8 Plaintiff(s),

9 v.

10 NYE COUNTY SHERIFF'S DEPT.,

11 Defendant(s).

Case No. 2:16-CV-2640 JCM (CWH)

ORDER

12
13 Presently before the court is Magistrate Judge Carl W. Hoffman's screening order and
14 report and recommendation ("R&R"). (ECF No. 7).

15 Judge Hoffman notes that plaintiff Benjamin Holly ("plaintiff") previously filed an
16 action, case number 2:16-cv-02607-JAD-VCF, based on the same facts as the instant action. *Id.*
17 at 2. Plaintiff admits as much. *Id.*; (see also ECF No. 4 at 3). Judge Hoffman confirmed that the
18 facts and issues in both cases "are nearly identical." (ECF No. 7 at 2). Plaintiff's other action
19 was dismissed for failure to state a claim. See *Holly v. Nye County Sheriff's Dept.*, case no. 2:16-
20 cv-02607-JAD-VCF. Thus, Judge Hoffman recommends that this case be dismissed under the
21 doctrine of claim preclusion, and the case be closed. (ECF No. 50).

22 This court "may accept, reject, or modify, in whole or in part, the findings or
23 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects
24 to a magistrate judge's report and recommendation, then the court is required to "make a de novo
25 determination of those portions of the [report and recommendation] to which objection is made."
26 28 U.S.C. § 636(b)(1).

27 Where a party fails to object, however, the court is not required to conduct "any review at
28 all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149

1 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
2 magistrate judge's report and recommendation where no objections have been filed. *See United*
3 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
4 employed by the district court when reviewing a report and recommendation to which no
5 objections were made).

6 Nevertheless, this court conducted a *de novo* review to determine whether to adopt the
7 recommendation of the magistrate judge. Upon reviewing the recommendation and attendant
8 circumstances, this court finds good cause appears to adopt the magistrate judge's findings in
9 full.

10 Accordingly,

11 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Judge Hoffman's R&R
12 (ECF No. 7) be, and the same hereby is, ADOPTED.

13 IT IS FURTHER ORDERED that plaintiff's complaint is hereby DISMISSED.

14 The clerk is instructed to enter judgment and close the case accordingly.

15 DATED February 24, 2020.

16 
17 UNITED STATES DISTRICT JUDGE